

OBITUARY NOTICE OF JOSEPH REED INGERSOLL.

Read before the American Philosophical Society,

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THE object of the American Philosophical Society in providing that wherever practicable, an Obituary Notice shall be prepared of deceased members, was not, as in some institutions abroad, to have an elaborate eulogy delivered. It was rather a brief memoir recording the principal events and literary or scientific works of their associate. The writer of this feels bound to confine himself within these limits, and therefore will not undertake to sketch the character or dwell upon the many marked excellencies of the member, in regard to whom the Society has assigned to him this sad but grateful duty.

Joseph Reed Ingersoll, the third son of Jared and Elizabeth Ingersoll, was born on the fourteenth day of June, 1786, in the City of Philadelphia.

Of his father, nothing need be here said. He was the son of an eminent lawyer, afterwards an Admiralty Judge of Pennsylvania under the colonial system. He was himself, perhaps, the most distinguished of the leaders of the Philadelphia Bar in its palmiest days. His life and character have been given to the public, in a spirited sketch, by a master hand. Jared Ingersoll was an honored member of this Society, having been elected January 19, 1781—eight years before he took his seat in the Federal Convention, that illustrious assembly over which George Washington presided, and which framed the Constitution of the United States. The early school days of the subject of this notice were passed in the city of his birth, under, no doubt, the best teachers in every department which it could then afford. He entered the College of New Jersey, at Princeton, in the year 1800, and graduated with the highest honors of his class in 1804. In this class, in which he bore away the palm of scholarship, were many men who afterwards attained high public eminence. He was a most earnest and indefatigable student, ambitious from the first, of that distinction which he succeeded in winning, and he used to mention as no small incentive to his application and industry during the period of his collegiate course, that almost every letter which he received from his father, wound up with the words, "Remember the honors."

He immediately commenced the study of the law in the office of his father, then in the height of his honorable professional career, and after the usual clerkship of three years, was admitted to the bar June 2, 1807. He soon found himself in a large and lucrative practice. I have not been able to find his first docket, but in one commencing with December, 1813; little more than six years after his admission, the average number of cases brought by him in the District Court and the Court of Common Pleas of this county, was upwards of fifty to each term, and to this must be added a very considerable practice in the Supreme Court of the State, and in the Federal Courts of this District. His first reported case among the decisions of the Supreme Court of Pennsylvania, was *Welsh admr. of Edwards v. Dusar*, 3 Binney, 329, which he argued for the defendant in 1811. His first reported case in the Supreme Court of the United States, was *Fitzsimmons, et. al., v. Ogden, et. al.*, 7 Cranch, 2, in 1812, for the complainants. It would be an interesting task to trace in detail the history of his professional career, but it would be out of place. Few men at the bar of Philadelphia ever enjoyed so varied as well as so important a line of practice. His reputation for faithful attention to the business entrusted to him—his popular manners and pleasing address—his readiness and eloquence—combined to secure him numerous and valuable clients. That he was able to attend to it all, and do it so well, he owed to his methodical industry. He appeared never to flag, though his bodily and intellectual powers were taxed to the utmost. His favorite exercise was a ride on horseback—usually before breakfast in the morning. During all this busiest period of his life he was a close and systematic student—reading every new law book of any note which came out—and not confining himself to his professional reading, but extending it to general literature and science. There were no domains of knowledge, interesting or useful, which he does not appear to have explored. He prepared all his cases thoroughly—not only by research into authority—but by making himself acquainted with whatever subjects were incidental and auxiliary. Thus he seemed equally at home in questions of Medical Jurisprudence, on Mechanics and Chemistry in Patent cases, and on general matters of Geography and Commerce. He tried to master every case, and with industry and perseverance, united with his naturally quick perception, he

seemed never to fail. He early adopted the practice of making notes and extracts from the books he read, evidently not for the ordinary uses of a common place book, but rather as a mode of understanding and impressing them on his memory. He seems to have continued this practice, though no doubt with many interruptions, through his whole life. The books are without date, but there was a constant change going on in his hand writing, though the general character of it remained, which enables one to say with tolerable accuracy to what period any particular extract belongs. Among his manuscripts, and probably at a late period of his life, are to be found copies of many parts of the Holy Scriptures—a copy of the Book of Genesis, of Job, and considerable part of the Gospels. He kept, during the whole of his professional life, a diary, not indeed of all the cases and business brought to him, for that would have been impossible, but of such as seemed most interesting and important, and of which he wished to preserve a memorandum to refresh his memory. This diary is occasionally interrupted, though very rarely, with incidents of personal history. I say very rarely: I consider it very remarkable that so little is to be found in his library and manuscripts which relate to his own personal history. Even the orations and addresses which he was called on from time to time to deliver, and which were printed, were not preserved by him in any separate form. Yet I may be permitted here to draw from his diary two exceptional cases.

“March 9, 1827.—Returned from Washington, where I had gone on the 25th of February to argue *Pennock v. Dialogue*, and *Comegys v. Vasse*. Neither case, however, was reached. The sojourn there of a week was unprofitable, except that it showed how far from laboriously cases were generally argued there. Gentlemen who have acquired a reputation live on it sometimes without much effort to retain it. Political life seems to gratify those who are in the midst of it, as any ardent exertion of the mind, perhaps, will do, but to the looker on it is a heartless, comfortless, and I fear in many instances an unprincipled career.”

At this time Mr. Ingersoll certainly felt no inclination for political life, and it was not till after he appears to have resolved on withdrawing from the bar, that he yielded to the solicitations of his political friends to enter Congress. The other exceptional case is in reference to a singular event in his life.

“Dec. 5, 1827. — Returning from an arbitration at about half-past ten o'clock, as I entered Willing's alley, I was forcibly assaulted behind by a blow on my head from an unknown person, who immediately escaped. The force of the blow was broken by my hat, which was deeply indented, but my head was unhurt, though I staggered and nearly fell. The escape was providential, either from the attack of an assassin, who meant to wreak his vengeance on me or on another person, or of a robber, who, finding his aim had not been quite true, ran to avoid detection. — *Laus Deo.*”

Besides these professional memoranda, this Diary contains now and then a reference to the death of some member of the bench before whom he had practiced — always with an expression of profound respect and truthful appreciation of his character. I will trespass on the patience of the Society by reproducing a few of them.

“April 30, 1827. — The venerable and excellent Chief Justice Tilghman died last night. He had entered his seventy-first year on the 12th of last August. Few men have gone through a course of judicial labor with more usefulness to the public — nor with greater purity of purpose or integrity of conduct and of heart.”

“Nov. 16, 1867. — Judge Duncan, of the Supreme Court, died at Lancaster. An able, acute and learned man. His loss will be severely felt in a community whose judicial appointments are the rewards too often of political subserviency, and when the distribution of them is committed to those who are incapable of appreciating their importance.”

There was perhaps no subject upon which Mr. Ingersoll felt more deeply and expressed himself more strongly. It is to be observed that this remark was made when the appointment was by the Governor, and the term during good behaviour. Yet he was not in favor of any change in the system — as he warmly opposed both the alteration in the Constitution by which the tenure was reduced to a term of years, and that subsequent one by which the choice was referred to the people at the polls. Under both systems — under all systems — incompetent men will occasionally receive judicial appointments — but it remains to be seen whether political subserviency will be most successful with a single appointing, or a numerous electing body. The people

at large ought to be deeply impressed with the consideration that the election of a judge rises in importance far above any political office, and to exercise in all cases their own impartial judgments, uninfluenced by mere party considerations.

“Nov. 26, 1829 — The profession and the country have sustained a heavy loss in the death of Judge Washington, who died about two o'clock this afternoon at the Mansion House hotel in this city. He has been for many years an able and upright public functionary. Of late his usefulness has been somewhat diminished by frequent illness, and by his devotion to his wife, whose mind had become somewhat affected, and she had withdrawn from all intercourse with society, and given to and received from her husband mutual and unbounded attention. The keenness of her feelings for his loss permitted her to survive him but eight-and-forty hours; for on Saturday, the 28th inst., having commenced a journey to Mount Vernon, she suddenly died about six miles from town, either actually in the carriage, or before she could be conveyed to a house.”

These memoranda were no doubt written without the most remote idea that they would ever meet the public eye. I will add here, as pertinent, the remarks which, many years afterwards (Feb. 12, 1836), he made in the hall of the House of Representatives of the United States, upon a resolution offered by him to have a marble bust of Chief Justice Marshall placed in the room of the Supreme Court at Washington.

“I am not about to pronounce an eulogium on the character of John Marshall. His merits are already recorded in the breasts and judgments of his countrymen. A recollection of them will be cherished as long as a just estimate can be formed of brilliant talents and unspotted integrity, as long as gratitude shall continue to be a virtue. Few men since the formation of the government, have served it so well, and none so faithfully. In the administration of the laws, under a government of laws, he was for nearly five-and-thirty years, supreme in station, in abilities, and in usefulness. It has been the peculiar fortune of this republic, that it has found, on different occasions, when it has called its eminent citizens to posts of public duty, a happy fitness in the individual to his station; a devotion of purpose in the man, and a confidence in his designs on the part of the people: a union and an aptitude from which nothing but lasting benefits can arise.

Many deserving properties were centered in the eminent person, to whom it is the object of this resolution to offer a public tribute of respect and gratitude: properties which justify the feeling universally entertained for him as the pride and boast of his countrymen. When this and much more shall be done by them, the nation and posterity will continue to be immeasurably his debtors. I submit the resolution as a cheerful acknowledgment of the debt we owe, and as the pledge of an effort to repay it in the emulation of his virtues."

It is a very high testimonial to the estimation in which Mr. Ingersoll was held as a lawyer and a man, that so many young men were placed under his direction by their own choice or that of their parents or guardians, to be trained for the bar. I have a list taken from his Diary, commencing in 1826, of forty-five names: some eight or ten preceded that period. His course toward them was marked by great fidelity as well as kindness. He not only prescribed their course of reading, and examined them at short stated intervals as to their progress, and understanding of the subject—but took care by employing them in the preparation of pleadings and other legal papers—in making searches in the offices, and occasionally attending before magistrates and arbitrators, that they should be initiated in the practice of their profession. He was always ready to resolve their doubts, or to explain what they could not understand in the course of their studies. He followed them after their admission to the bar, with advice and encouragement, associating them with him in the trial of causes, and manifesting in every way a deep interest in their success. Many of them have done honor to his instructions by eminence in their profession, and have concurred in cherishing and expressing on all suitable occasions, their confidence, respect, and affection for him. To me it is a source of pride and gratification, that having been one of his students, and honored as I believe with his friendship and regard after leaving his office, I am permitted the privilege, on an occasion like this, to record my sense of the obligation under which he placed me, and to testify my reverence and gratitude. *An quicquam nobis tali sit munere majus?*

Mr. Ingersoll's character at the bar was that of a polished advocate. No man more thoroughly identified himself with the cause of his client, and threw his whole soul into it. Indeed, his

confidence in his clients was perhaps excessive—he did not receive their statements with that distrust, nor make those allowances which ought always to be made for exaggerated partisan accounts. Hence he was often in consequence provoked by the deception practiced upon him. His style of oratory was graceful, earnest, and at times impassioned. He never failed to secure the attention of the jury. To the Court he was equally faithful as to his client. In all the cases he argued, his industry and research enabled him to communicate to the Court all the light on any question to be derived from books. He was eminently courteous in his manner to all engaged with him. Neither witnesses nor opposing counsel could complain. Mr. Ingersoll in effect left the bar in 1841—or soon after: though he undoubtedly tried and argued several cases of importance after that, and continued much longer to give advice to his former clients in their affairs.

In October, 1832, he was elected a member of the Select Council of the City of Philadelphia, and was immediately chosen the president of that body: which position he continued to hold by annual election until 1835. In 1834 he was elected a member of the 24th Congress—took his seat in December, 1835—but having served through that Congress, declined a re-election. However, in 1841, he was induced again to enter political life, was elected to, and served successively in the 27th, 28th, and 29th Congresses. He took an active part in the proceedings. He made no speeches for “Buncombe.” Some of his efforts, however, were of an elaborate character, and maintained and adorned his reputation as a jurist and a statesman. Among many others which need not be particularized, I may mention his speech delivered December 22, 1835, on the question of referring petitions for the abolition of slavery in the District of Columbia: on May 24, 1836, in favor of the distribution of the surplus money in the Treasury of the United States among the several States, for the purpose of internal improvement and education: on January 13, 1842, on the Treasury Note Bill: on May 12, 1842, on the General Appropriation Bill: on August 1, 1842, on the Reorganization of the Army: on March 31, 1846, on the Subtreasury: on April 14, 1846, on the Oregon Bill: on July 2, 1846, on the Tariff. I cannot forbear transcribing here a short extract from his speech

on the Fortification Bill, as presenting, in very happy language, the most important feature of our Federal system.

“It is the true policy of the Constitution that the National Government should be as seldom as possible seen and felt; that in all external relations it should present the formidable aspect of power, and the means of prosperous and successful intercourse with foreign nations; but that at home even the benefits which it sheds upon its own citizens should be experienced as nature receives and prospers under the influence of her refreshing dews, while the sources from which they flow are imperceptible.”

His course throughout was undoubtedly consistent with the political opinions he always maintained and advocated. To enter upon an explanation or illustration is not expected, and would be out of place on this occasion. In the 24th, 28th, and 29th Congresses, he was a member of the Committee of Ways and Means. In the 30th Congress he was Chairman of the Judiciary Committee.

After his retirement from Congress, President Fillmore, with whom he had served in that body, and who knew his abilities, tendered him a seat in his Cabinet as Secretary of the Navy, which, however, he did not accept. In the spring of 1852, he was nominated and confirmed by the Senate as Envoy Extraordinary and Minister Plenipotentiary to the Court of St. James. He arrived in London October 5, 1852, and on the 16th had his audience of reception by the Queen. He remained abroad one year, during which time he negotiated two treaties of considerable importance. By one of them (Feb. 8, 1853), a commission was appointed under which all claims of the citizens or subjects of either country on the other, arising subsequent to the Peace of Ghent, December 24, 1814, were finally adjusted and settled.

It is wonderful that through all this busy professional and political life, Mr. Ingersoll could contribute so much to the cause of polite literature. Very soon after his admission to the bar, he made a worthy youthful attempt to pay in advance that debt which, according to Lord Bacon, every man owes his profession. He translated from the Latin of Rocens, and published with notes, his “Manual of Maritime Law, consisting of a Treatise on Ships and Freight, and a Treatise on Insurance.” Chancellor Kent, though he criticises a single passage as omitting two material words, adds: “I mention this without the least intended

disparagement of that very useful translation, the general accuracy of which is undoubted." 3 Kent's Com. 265, n. In another place he admits the justice of the analogy, asserted by Mr. Ingersoll, between the treatises of Roccus and Littleton. 3 Kent's Com. 346.

I cannot pretend to give a full list of all Mr. Ingersoll's efforts, professional and literary, which have been given to the public — much less remark upon their respective characters. Many trials of interest are extant in print, in which he bore part as advocate. An argument made before the General Assembly of New Jersey, on the memorial of the Trenton and New Brunswick Turnpike Company, for the amendment of their charter on February 19, 1834, is a favorable specimen of his power on a question somewhat broader than that usually presented to courts and juries. Of his various discourses, addresses, and orations before different bodies, I can only specify the principal.

Oration before the Washington Benevolent Society, July 5, 1813.

Discourse before the Philomathean Society of the University of Pennsylvania, 1828.

Oration before the American Whig Society of Princeton.

Address before the Phi Beta Kappa Society of Bowdoin College, Maine, September 7, 1837.

Address before the Franklin Institute at the close of their first exhibition of American Manufactures.

Eulogy on General Zachary Taylor, by request of the City Councils, October 2, 1850.

Oration before the Literary Societies of Lafayette College.

Address at the opening of Wills' Hospital, March 3, 1834.

Obituary notice of Henry D. Gilpin, read before this Society.

Memoir of Samuel Breck, delivered before the Historical Society of Pennsylvania, of which he was the President, January 12, 1863.

Address before the National Convention of Young Men's Societies for Moral and Intellectual Improvement, October 29, 1834.

Address at the annual meeting of the Pennsylvania Colonization Society, October 25, 1838.

Of Mr. Ingersoll personally and socially it may be said that he was a gentleman in the truest sense of the word. His manners

were elegant and refined. His conversation easy and interesting. His house was the seat of open and liberal hospitality — his board the constant scene of intellectual enjoyment. He was fond of entertaining strangers. His charity may be termed munificent. He considered it a duty and a privilege to give: it was a pleasure to him, whether in a subscription to some public object, or in strictly private alms — when the left hand knoweth not what the right doeth — he was free — free to a fault. Perhaps it was best to err on the right side.

Unfortunate in the loss of his wife and children, the greater portion of his latter years were passed in childless widowhood. He was not what is called a demonstrative man, but it was in his case as it is in many others, the grief that speaks not outwardly, is that which is felt and dwelt upon most deeply and keenly. He was no doubt sustained amid all his trials by a strong religious faith, for no man had a more unwavering one in the truth and power of Christianity. He was a communicant of the Protestant Episcopal Church, and one of the Wardens of St. Peter's Church in this city, which office he still held when he died.

He was in the eighty-second year of his age when he passed away, February 20, 1868. *Semper honos, nomenque tuum laudesque manebunt.*

Prof. T. C. Porter exhibited nine drawings of figures, rudely but plainly cut by the Aborigines, in the face of the rocks which form the shore and small islands of the Susquehanna River, near the Maryland State Line. The drawings were made by Mr. S. G. Boyd of York, York county, Penna. They are fac similes in size and character, having been obtained by applying the paper sheets to the sculptured surfaces. Some of the figures pass down to or into the water at the ordinary level of the river. Four of the groups bear a remarkable resemblance to the concentric circles with radial grooves figured by Dr. J. Y. Simpson of Edinburg, in his recent work upon the rock sculpture of the Druid *men-hirs* of the British islands. Plate XIII. of this volume is a photolithographic reduction to a scale of about one-eighth of nature, by Osborne's process.

The Society was then adjourned.